

SENATE BILL REPORT

SB 5121

As of January 14, 2009

Title: An act relating to editorial standards for the publication of the Revised Code of Washington.

Brief Description: Revising editorial standards for the RCW.

Sponsors: Senators Kline and Kohl-Welles; by request of Statute Law Committee.

Brief History:

Committee Activity: Judiciary: 1/13/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Kim Johnson (786-7472)

Background: The Revised Code of Washington (RCW) is the compilation of all permanent laws now in force. The official version of the RCW is published by the Statute Law Committee (Committee) or the Code Reviser, acting with Committee approval, on an annual basis. The online version of the RCW is updated twice a year, once in the early fall following the legislative session, and again at the end of the year if a ballot measure that changes the law passed at the general election.

Under current law, the Code Reviser is authorized to make specified non-substantive editorial revisions to the code. For example, the Code Reviser may make capitalization, chapter, section, and subsection divisions uniform throughout the code and may strike provisions that are manifestly obsolete. The Code Reviser's editorial powers also include the authority to omit from the code all titles of acts, enacting and repealing clauses, and declarations of emergencies, unless it is necessary to retain the provisions to preserve the full intent of the law.

As a matter of current practice, the Code Reviser provides a disclaimer clause in all bills containing section captions, part headings, subheadings, tables of contents, and indexes notifying the reader that these provisions are not part of the law and will not be included in the text of the RCW when the law is codified.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Code Reviser is authorized to alphabetize definition sections when it will not change the meaning or effect of the sections. The authority of the Code Reviser to divide long sections into two or more sections is removed.

The editorial powers of the Code Reviser are amended to allow the omission of severability clauses when the clause is not necessary to preserve the full intent of the law. The reviser may also remove annotations that have appeared in the RCW for more than ten years, unless the annotation is necessary to preserve the full intent of the law. Annotations removed under this authority must be retained and available in the electronic copy of the RCW, available on the Code Reviser's website.

Section captions, part headings, subheadings, tables of contents, and indexes appearing in legislative bills are not considered any part of the law and the Code Reviser is authorized to omit these provisions from the RCW unless it is necessary to retain such provisions to preserve the full intent of the law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Since 1961, the Code Reviser has published the official code of Washington. We need to take care of some bill drafting issues and code display issues. Severability clauses relate more to the bill than the code, and the clauses displayed as a note are not really very helpful. Section captions are not intended to be law, so we always include a disclaimer in every bill that we have the captions, but it would be much easier to have a statute that makes it clear that the captions are not part of the law. Removal of older notes from the code will ultimately save the Code Reviser Office and our users money. The ability to remove old notes will provide sufficient room in the volumes we currently publish so we don't have to extend into another volume, yet. We've never used the authority to divide long sections into two or more sections during the past 20 years. The law has changed regarding what is a "section" and the Code Reviser does not want to enter the legal debate over what is a section.

Persons Testifying: PRO: Kyle Thiessen, Code Reviser.